

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGEL NAULA, ET AL.,

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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Plaintiffs,

08 Civ. 11364 (JGK)

- against -

ORDER

RITE AID OF NEW YORK, INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The plaintiffs' motion to amend the complaint is granted.

The defendants' motion to dismiss for lack of subject matter jurisdiction is denied as moot without prejudice to renewal.

The plaintiffs shall file an amended complaint by July 31, 2009. The defendants may move or answer by August 14, 2009. The plaintiffs may respond by August 28, 2009. The defendants may reply by September 7, 2009.

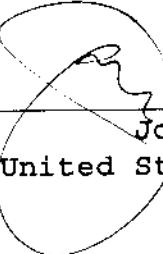
The defendants' motion to stay the commencement of discovery pending a determination on whether federal subject matter jurisdiction exists in this case is granted in part and denied in part. Discovery related to the pleadings and the issue of whether CAFA jurisdiction exists may proceed.

Discovery on the merits is stayed until the defendants file an answer or a decision on a motion to dismiss is made.

The Clerk is directed to close Docket Nos. 10 and 29.

SO ORDERED.

Dated: New York, New York  
July 27, 2008

   
John G. Koeltl  
United States District Judge